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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 DAVID CHARLES THATCHER, No. 2:04-cv-2547-MCE-CMK-P
12 Plaintiff,
13 v. ORDER
14 M. PENNER, ET AL.,
15 Defendants.
16 _____/

17 Plaintiff, a state prisoner proceeding pro se, brings this
18 civil rights action pursuant to 42 U.S.C. § 1983. The matter was
19 referred to a United States Magistrate Judge pursuant to Local
20 Rule 72-302(c) (21).

21 On October 13, 2005, the magistrate judge filed Findings and
22 Recommendations herein which were served on Plaintiff and which
23 contained notice to Plaintiff that any Objections to the Findings
24 and Recommendations were to be filed within ten (10) days.
25 Plaintiff has not filed Objections to the Findings and
26 Recommendations.

1 The Court has reviewed the file and finds the Findings and
2 Recommendations to be supported by the record and by the
3 magistrate judge's analysis.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. The Findings and Recommendations filed October 13,
6 2005, are adopted in full;

7 2. The State of California's Motion to Dismiss is denied;

8 3. Defendant California State Prison, Sacramento, is
9 dismissed sua sponte; and

10 4. This action now proceeds as against defendants Penner
11 and Kernan only.

12 DATE: January 25, 2006

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15 MORRISON C. ENGLAND, JR.
16 UNITED STATES DISTRICT JUDGE
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